IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO.3043 OF 2005

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and registrar's Orders.	Court's or Judge's Orders

Mr.R.S.Apte i/b M.S Lagu for petitioner
Mr.Anil Subramaniyam for respdt.no.1
Mr.Sidhartha Korpe for respdt.no.2

CORAM : P.V.KAKADE, J.

DATE : 28TH MARCH,2006

P.C.:

1. Heard all the parties. Perused the record.

2. The petitioner has impugned the order dated 9.12.2004 passed by Addl. Judge, Small Causes Court, Pune rejecting the application under Order 1 Rule 10 of C.P.C. by passing order below Exh.42 in Suit No.635 of 2001.

2. The application was filed to the

effect that the applicant is a tenant in the suit premises regarding which the suit is pending between the landlord and the defendant. Now admittedly the defendant is recognised as a lawful tenant by the landlord, however, the petitioner claims his tenancy right on the ground of Assignment Deed.

. It is also brought to my notice that the present petitioner has filed independent suit to get his right declare and as such he has persuade his remedy independently, this petition cannot be entertain and as such stands dismissed with no order as to costs. The petitioner is liberty to seek his remedy including interim orders in the said pending suit which is filed by the petitioner, which is directed to be expedited by the concerned court.